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NOTICE OF ALLOWANCE AND FEE(S) DUE

27119 7590 02/24/2004

ALBERT W. WATKINS
30844 NE 1ST AVENUE
ST. JOSEPH, MN 56374

EXAMINER

LEE, DIANE I

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/24/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,994	08/30/2001	Laurie J. Brown	BROWNLAURIE-010614	2433

TITLE OF INVENTION: METHOD AND APPARATUS FOR VENDING A CONTAINERIZED LIQUID PRODUCT UTILIZING AN AUTOMATIC SELF-SERVICE REFILL SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	05/24/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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27119 7590 02/24/2004

ALBERT W. WATKINS
30844 NE 1ST AVENUE
ST. JOSEPH, MN 56374

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,994	08/30/2001	Laurie J. Brown	BROWNLAURIE-010614	2433

TITLE OF INVENTION: METHOD AND APPARATUS FOR VENDING A CONTAINERIZED LIQUID PRODUCT UTILIZING AN AUTOMATIC SELF-SERVICE REFILL SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	05/24/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEE, DIANE I	2876	235-435000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.** SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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09/944,994	08/30/2001	Laurie J. Brown	BROWNLaurie-010614	2433
27119	7590	02/24/2004	EXAMINER	
ALBERT W. WATKINS 30844 NE 1ST AVENUE ST. JOSEPH, MN 56374			LEE, DIANE I	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 02/24/2004				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 22 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 22 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability	Application No.	Applicant(s)	
	09/944,994	BROWN, LAURIE J.	
	Examiner	Art Unit	
	D. I. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/6/04.
2. ☒ The allowed claim(s) is/are 14 and 16-20.
3. ☒ The drawings filed on 30 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

D. I. Lee
 Primary Examiner
 Art Unit: 2876

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 06 January 2004. Claims 1-10 and 15 have been canceled; claim 14 have been amended; and no claims have been newly added.

Terminal Disclaimer

2. The terminal disclaimer filed on 07 July 2003 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. patent 6,578,763 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

3. Claims 14 and 16-20 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Bradbury discloses an apparatus and a method for vending a containerized liquid product to a vendee utilizing an original container for the liquid product, wherein the original containers have been packaged with the original fluid product therein. After the original container has been emptied of the liquid product, then vending multiple refilling of the liquid product in the original container from a single dispensing station (i.e., dispensing the fluid product into the original container and refilling the original container). The container having machine-readable indicia provide information of the liquid product and the original sales prices of the container as filled with the liquid product prior to the first refilling thereof. For each refilling of the container, the vendee will only be charged for the product, and not for the container. Therefore, the actual price charged to the vendee for the refilled container equals the original sales price (i.e., the price of the container combined with the price of refilled liquid contained therein

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prior to the first refilling thereof) less the value of the discount price (i.e., the redeeming the price of the container). Bradbury shows that when the container being positioned within a chamber, a vertically-oriented liquid filling pipe having a discharge port at the bottom thereof and positioned over and in registered with a filling opening in the original container. The filling pipe being inserted into the container through the opening until the outlet is brought to a filling position with respect to the container then the container is filled with a pre-selected volume of the liquid product. Bradbury further anticipates the system having an audible or visual signal to indicate when the container has been filled and the fluid passing through the filling spout has been stopped which obviously teaches that the system having a means for sensing the complete filling of the container and for terminating the transfer fluid.

Cahill discloses a redemption system having a chamber, a scanner detecting the UPC code on a returned container (i.e., the container is positioned within the chamber with the UPC code oriented to be in registered with the scanner). Upon the system recognizing detected data, the detected information is processed at the controller, and the system issues a cash refund or a redeemable coupon for the face value of the returned containers to the consumer.

Matthias teaches a coupon dispenser for generating coupons and a system having a graphic display area for a customer can identifies a particular good or product for which a coupon can be issued, and two coupon printers coupled to the processor for printing the coupons with a graphic display of information.

Stefan discloses a device for dispensing and mixing of multi-component material, the system having a plurality of dispensers each storing powdery material compositions and liquid ingredients different in color and composition composed of dental cements and alloys. Stefan shows a plurality of containerized liquid products respectively connectable to a mixing container to blend the plurality of the products and dispenses the mixture from a single dispensing station based on the matching liquid product controlled by input signal from the computer.

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Hovakimian discloses a method to provide an automatic contribution to a charity. The customer having a card to make a purchase transaction is a member of the charitable organization. The card is labeled to indicate a selected charity to receive a donation. When making a transaction, the system read the unique machine-readable code 16 from the card indicating a selected charity to receive a donation.

One of ordinary skill in the art would not have been motivated to modify the teachings of Bradbury, Cahill, Matthias, Stefan, and Hovakimian, alone or in combination with other references, in order to obtain the specific claimed step of providing the labeled product container to a contact within the organization and disbursing the labeled product container from the contact to the organization member when distributing the labeled product container, as set forth in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

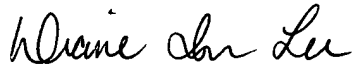
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Albert W. Watkins

Type or print name of person signing certification



January 6, 2004

Signature

Date

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JAN 06 2004

OFFICIAL

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Serial #: 09/944,994
For: Method and Apparatus for Vending a Containerized Liquid Product Utilizing an Automatic Self-Service Refill System
Filed: August 30, 2001
Inventor: Laurie J. Brown
GAU: 2876
Examiner: Diane I. Lee
Docket #: BrownLaurie-010614

Okay to Enter
2/4/04
Ben

AMENDMENT

Please amend the claims as follows:

Claims 1 - 13 (canceled)

14 (currently amended): A method of distributing merchandise which benefits merchants through wider product distribution and beneficial association with another organization and which additionally benefits said organization, comprising the steps of:

generating a unique machine-readable code for said organization;

5 labeling a product container for said merchandise with said unique machine-readable code;

distributing said labeled product container to a member of said organization, wherein said step of distributing said labeled product container comprises the further steps of providing said labeled product container to a contact within said organization, and disbursing said labeled

10 product container from said contact to said organization members;

reading said machine-readable code;

filling said labeled product container; and

compensating said organization responsive to said reading step.

Claim 15 (canceled)

16 (original). The method of claim 14 wherein said step of compensating said organization comprises crediting said organization with a residual fee.

17 (original). The method of claim 16 wherein said organization is a non-profit organization.

18 (original). The method of claim 14 wherein said step of labeling comprises bar-coding said product container with a unique merchandise identification code and said unique machine-readable code.

19 (original). The method of claim 14 comprising the additional step of generating a unique merchandise identification code identifying said merchandise within said product container.

20 (original). The method of claim 14 wherein said filling step is responsive to said reading step.

REMARKS

Claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury, et al., U.S. Patent No. 4,929,818 (Bradbury), in view of Cahill U.S. Patent No. 4,285,426 (Cahill). Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury as modified by Cahill in view of Matthias, U.S. Patent No. 6,151,587 (Matthias). Claims 2 and 6-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury as modified by Cahill in view of Stefan (JP 06-277,231) (Stefan). Claims 14 and 16-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bradbury in view of Hovakimian, U.S. Patent No. 5,466,919 (Hovakimian). Claim 15 is objected to as being dependent upon a rejected base claim, but is indicated as allowable if rewritten in independent form. The Examiner's attention to the present application is greatly appreciated, and has facilitated prosecution. The Examiner's interview summary is accurate, and the receipt of the same acknowledged and appreciated by applicant's representative. The Examiner's reconsideration of the outstanding rejections in view of the present amendment and remarks is respectfully requested.

Claims 1 - 13 are currently canceled. Claim 14 has been amended to include all of the limitations of original claim 15, which depended from claim 14. In view of the indicated novelty of claim 15, reconsideration of the rejection is respectfully requested.

These amendments are believed to place the present application in condition for allowance, in view of the above remarks, and no new matter is introduced. The Examiner is therefore respectfully requested to reconsider the rejections and indicate the patentability. If there remain open issues in this application, the Examiner is respectfully requested to call the undersigned at 320-363-7296 to further discuss the advancement of this application. While no fees are believed due, please charge any fees associated with this correspondence to deposit account 17-0155.

Sincerely,



Albert W. Watkins

reg. 31,676